

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EMANUEL LYBRAND,
Plaintiff,

v.

JOSEPH M. RYAN,
Defendant.

CIVIL ACTION

No. 87-2944

MEMORANDUM/ORDER

Emanuel Lybrand is currently incarcerated in a Pennsylvania state prison. Now before the court is Mr. Lybrand's Request for Leave of the District Court to Proceed in Forma Pauperis, filed on October 21, 2011.* Mr. Lybrand has attached a "Requisition" to his request to proceed in forma pauperis, which indicates that he seeks to have fees waived for the reproduction of transcripts and other documents from prior proceedings.

In forma pauperis status is governed by 28 U.S.C. § 1915. Under § 1915(a), a court may authorize the commencement of a civil action, including a petition for a writ of habeas corpus, "without prepayment of fees or security" by a prisoner who demonstrates that he or she is unable to pay the fees or security by submitting "an affidavit that includes

*Mr. Lybrand captioned his Request as "Emanuel Lybrand v. United States District Court, Eastern District of Pennsylvania." However, the request has been docketed by the Clerk of the Court as "Emanuel Lybrand v. Joseph M. Ryan," which is the title of a prior petition for a writ of habeas corpus filed by Mr. Lybrand in 1987. *See Lybrand v. Ryan*, Civ. No. 87-2944, 1989 WL 838 (E.D. Pa. Jan. 4, 1989) (describing history of the case).

a statement of all assets such prisoner possesses.” A prisoner is also required to submit certain information from the warden or other appropriate prison official concerning money in the prisoner’s accounts. 28 U.S.C. § 1915(b); Rules Governing § 2254 Cases, Rule 3(a)(2). Under 28 U.S.C. § 753(f), a habeas petitioner who has been granted leave to proceed in forma pauperis may receive court transcripts at no cost to the petitioner.

However, the records of this court do not show that Mr. Lybrand has filed a pending petition for a writ of habeas corpus or any other pending civil action for which in forma pauperis status might be granted under 28 U.S.C. § 1915. Accordingly, Mr. Lybrand’s Request for Leave of the District Court to Proceed in Forma Pauperis is **DENIED** without prejudice.

Since it may be that Mr. Lybrand intends to file a habeas corpus petition, the Clerk of this Court is hereby requested to furnish Mr. Lybrand with copies of the current standard forms used in this court for (1) a petition for a writ of habeas corpus and (2) an application for leave to proceed in forma pauperis.

BY THE COURT:

/s/ Louis H. Pollak
Pollak, J.

January 5, 2012